

R E M A R K S

Claims 5-10 are now in this application, and are presented for the Examiner's consideration.

Objection to Drawings

In response to the objection to the drawings, enclosed are five Replacement Sheets of new drawings.

No new matter is presented.

Accordingly, it is respectfully submitted that the objection to the drawings has been overcome.

Prior Art Rejections

Claims 5-10 were rejected under 35 U.S.C. §102(b) as being obvious from U.S. Patent No. 6,086,823 to Bourset.

Bourset discloses a contact lens case which is of a conventional type in which the base has a well or disinfecting chamber 10 that holds the contact lens. The only difference between Bourset and a conventional contact lens case is that a convex shaped protective element 30 is secured to cover 20. Thus, contact lens 50 is positioned in chamber 10 in a conventional manner, and then cover 20 is secured thereover, the only difference being that protective element 30 which is secured to cover 20 lies over contact lens 50.

It was stated in the Office Action that the claimed inner wall is formed by inner wall 31/32 of Bourset. However, element

31 is merely the annular lip at the end of the convex protective element 30 that snaps into annular groove 24 in cover 20 to secure convex protective element 30 to cover 20. See Fig. 4 thereof. Element 32 is merely the curved end wall of convex protective element 30. See Fig. 4 and column 5, lines 20-22 thereof.

Bourset therefore still suffers from the same problems as a conventional contact lens case. Specifically, the construction of Bourset does not prevent the level of disinfecting solution from overtaking the extremity of the case. Accordingly, the lens can still slide up the extremity or outer wall of the case so that when the cover is screwed thereover to close the case, the lens may get caught between a thread of the cover and will be damaged. In other words, if the level of liquid is too high, the lens will rise to the position where it can extend over seal 40, and possibly to the outside where the threads are located. In such case, when the cover is screwed on, the contact lens will be caught between the cover and the base, thereby damaging the contact lens. The protective element 30 will not prevent this from occurring.

This cannot happen with the present invention since the contact lens rests in the inner chamber 2 defined by the inner wall 3. Even if the lens rises up due to a large volume of liquid, it remains within the inner chamber 2 and cannot migrate

toward the outer wall and threads 5. Thus, there is no chance of the lens being damaged in this manner.

Claim 1 already recited two independent containers connected on the base.

However, in order to make this clearer to show how the present invention distinguishes from Bourset, claim 1 has been amended to recite that both the inner wall and the outer wall are connected to the base. As such, the lens cannot be positioned between the inner and outer walls, as in Bourset.

Further, the entire concept of Bourset is that the inner wall formed by convex protective element 30, must be connected to the cover. The concept of Bourset is to provide a catalyst 34 on the internal surface and possibly on the lateral walls of the holes 33 in the convex protective element 30 in order to provide circulation of the disinfecting solution and effective contact with the catalyst 34. See column 5, lines 23-34. The protective element 30 is thereby included to provide support for the catalyst. See column 6, lines 4-7. If the outer wall (protective element 30) were mounted to the base, it would defeat the entire purpose of this patent, and effectively render it inoperative for its intended purpose.

In the Office Action, it was stated that although Bourset discloses the lens between the inner and outer walls, it is fully capable of retaining a lens within chamber (protective element) 30. However, this is disputed. Bourset states that the

protective element 30 is fixed inside the cap 20 by snap-fastening into the central recess 23 in the end wall 21. See column 5, lines 30-32. First, this argument assumes that protective element 30 is readily removable, which has not been shown. Second, assuming that protective element 30 is readily removable, the lens must be placed inside of protective element 30, which must then be snapped into place with cap 20, which is burdensome, and if the lens accidentally overhangs lip 31, will be damaged during such snap fastening operation.

This damage, as discussed above, cannot occur with the present claimed invention, particularly in view of the added limitations that both the inner wall and the outer wall are connected to the base.

Accordingly, it is respectfully submitted that the rejection of claims 5-10 under 35 U.S.C. §102(b) has been overcome.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

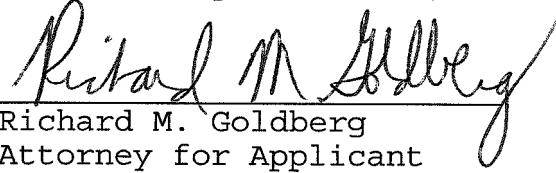
In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee,

or any other fee required in connection with this Paper, to
Account No. 07-1524.

The Commissioner is authorized to charge any additional fees
which may be required, or credit any overpayment to Deposit
Account No. 07-1524.

In view of the foregoing amendments and remarks, it is
respectfully submitted that Claims 5-10 are allowable, and early
and favorable consideration thereof is solicited.

Respectfully submitted,


Richard M. Goldberg
Attorney for Applicant
Registration No. 28,215

25 East Salem Street
Suite 419
Hackensack, New Jersey 07601
TEL (201) 343-7775
FAX (201) 488-3884
e-mail: goldbergpat@earthlink.net